

In the Drawings:

Replacement drawing sheets are provided showing the following changes:

- (a) The legend --PRIOR ART-- on Figures 1, 2, and 3.
- (b) Reference designators 75 and 77 on Figure 14.

## REMARKS

This Amendment is accompanied by a Supplemental IDS and a Concise Statement Under 37 CFR 1.98(a)(3)(i), which were prepared after the filing of the RCE in recognition of 37 CFR 1.97(b)(4).

This Amendment is intended to supercede the prior submission under 37 CFR 1.114, mailed August 24, 2006, as discussed with the Examiner on the telephone September 5, 2006. The Examiner suggested it be styled as a Preliminary Amendment. In addition, it is the undersigned's understanding that the Examiner will informally hold the prior submission so that it is not entered, and the state of the claims and remarks is therefore as of May 24, 2006 which basis is assumed for all purposes herein. The undersigned thanks the Examiner for this courtesy.

### Drawings

Replacement sheets are submitted herewith that address the objections to the drawings, by including the legend --PRIOR ART-- on Figures 1 - 3.

### Section 102 Rejections

Claims 1 and 3 - 9 stand rejected under 35 USC §102(b) as being anticipated by Ward, U.S. Patent No. 3,322,175, Little, U.S. Patent No. 3,209,801, Nicholson et al., U.S. Patent No. 3,661,192, and Hansel et al., U.S. Patent No. 4,298,044.

Applicant respectfully traverses the rejections for the specific reasons discussed below. However, Applicant first provides some discussion related to the Examiner's construction of the claim terminology, as follows:

1. The term “wearshoe” is a term of art used by persons of ordinary skill to refer specifically to a part of a ring slicer.
2. The term “counterknife” is a term of art used by persons of ordinary skill to refer specifically to a part of a disc chipper.
3. The term “wear plate” is used in the Hansel reference as a synonym for counterknife.
4. The term “upper clamping member,” though not a term of art, contains the word “upper” which signifies, in conjunction with the orientation convention used in patent drawings in the art (including those of record in this case), that the clamping member is the part of the clamp that is higher in elevation than the knife as shown in the drawings.

MPEP 2111.01 requires the broadest, *reasonable* interpretation of claim terminology. It alludes to what is reasonable by quoting the Federal Circuit in *In Re Morris*, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997):

[the] PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art . . . .

So the broadest reasonable interpretation is the broadest interpretation that remains within

the scope of ordinary usage of the term by persons of ordinary skill. Accordingly, to the extent the Examiner has construed the claim terminology in ways inconsistent with the above understandings, Applicant objects.

The following additional responses to the rejections are believed either to render Applicant's objection to the construction of claim terminology moot, or to render further discussion on the point unnecessary.

#### Claims 1 and 3 - 5

The Little, Nicholson and Hansel references do not meet the claim requirement for a cantilevered upper clamping member defining a gap that is closed by elastically deflecting the clamping member to bring it into contact with the knife. The upper clamping members in all three of these references are not cantilevered, i.e., they are supported at two ends before any clamping bolts are tightened, and there is no gap between the upper clamping member and the knife that is closed by elastically deflecting the upper clamping member. The annotation "cantilevered" on the Nicholson Figure does not relate to an upper clamping member, nor does it relate to a feature that either is in contact, or comes into contact, with a knife.

Ward also fails to meet the claim requirements, but it requires more analysis to appreciate this. The combination of the "outer plate 16," the "heel portion 22," and the "toe portion 26" corresponds most closely to the claimed upper clamping member, and it will be referred to hereinafter as such for this reason. The reference explains that the toe portion of the upper clamping member is inclined relative to the knife so that contact is made with the knife along a narrow strip 47. The other end of the upper clamping member, i.e., the heel portion, also makes

contact with an inclined surface so that, initially, contact is made over a relatively small area. Thus, “[b]y tightening the screw 36, the clamping surface 34 of the heel portion 22 is clamped down hard against the surface of the heel plate 8, so that the clamping surface 30 of the toe portion 26 clamps the knife 49 . . . with a known pressure as determined by the flexing of the . . . [upper clamping member] between its heel portion 22 and its toe portion 26.” Col. 2, lines 30 - 38.

So Ward, unlike any of the other references, utilizes elastic deformation of the upper clamping member, and it follows that the teachings of Ward are the most pertinent of record in this regard.

However, Ward is clear that contact is made at both the heel and toe portions before any clamping force is applied, and therefore before any elastic deformation of the upper clamping member occurs, just as in the other references. Ward uses the elastic deformation to tighten a pre-existing or initial contact with the knife, it does not initially provide a gap between the upper clamping member and the knife that is closed by the elastic deformation as claimed.

Accordingly, like the other references of record, Ward fails to anticipate the claims.

#### Claims 6 - 7

Claim 6 has been cancelled and replaced with claim 20 which includes some additional limitations, including that the interlocking portions define an angle  $\phi$  as defined, shown and described in the specification.

### Claim 8

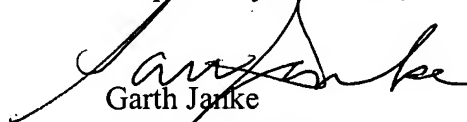
Claim 8 has also been cancelled and replaced with claim 21 which includes the additional limitation that the ramping portions define an angle  $\theta$  as defined, shown and described in the specification.

### Section 103 Rejections

Claims 9 - 17 stand rejected under 35 USC §103(a) as being unpatentable over Swartwood, U.S. Patent No. 5,979,522 in view of either Dean, U.S. Patent No. 4,972,888 or Loth, U.S. Patent No. 6,561,885.

Applicant respectfully traverses the rejections on the basis that there is no *prima facie* showing that any of the references teach or suggest (a) shoulder bolts to connect the claimed assembly to the end plates, where (b) the shoulder portions of at least two shoulder bolts extend through one of the end plates into the base, as recited by the claims.

Respectfully submitted,

  
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